REBUTTAL TESTIMONY ON REHEARING OF JOHN P. LUBE ON BEHALF OF AMERITECH ILLINOIS

I. INTRODUCTION

Q. PLEASE STATE YOUR NAME.

A. My name is John P. Lube.

Q. ARE YOU THE SAME JOHN P. LUBE THAT FILED DIRECT TESTIMONY ON REHEARING IN THIS PROCEEDING?

A. Yes.

II. PURPOSE OF TESTIMONY

Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY ON REHEARING?

A. The purpose of my rebuttal testimony on rehearing is to respond to the direct testimonies on rehearing of Melia Carter on behalf of Covad Communications ("Covad") and Torsten Clausen on behalf of the Illinois Commerce Commission Staff ("Staff") as they relate to Issue One of the rehearing phase of this case, involving the Commission's conclusion that Rhythms and Covad should be permitted to own and/or collocate line cards in Ameritech Illinois NGDLC RT systems deployed by Ameritech Illinois pursuant to Project Pronto.

III. LINE SHARING DEFINED BY THE FCC

Q. MS. CARTER CONTENDS THAT "THE FCC'S LINE SHARING ORDER EXPRESSLY REQUIRES LINE-SHARED ACCESS FOR LOOPS SERVED BY DLC SYSTEMS" (CARTER DIRECT, PAGE 20), AND THAT "CLECS HAVE A LEGAL RIGHT TO "LINE SHARING OVER FIBER" " (CARTER DIRECT, PAGE 21). DO YOU AGREE WITH HER INTERPRETATION OF THE FCC'S LINE SHARING ORDER?

A. No. Ms. Carter plainly has misread the FCC's Line Sharing Order. As I explained in my direct testimony on rehearing (pages 7-8), in a DLC environment, the FCC has required line sharing only on the copper subloop, that is, the copper portion of the loop running between the end-user's premises and the remote terminal ("RT"). This is totally different from Ms. Carter's mistaken conclusion that the FCC has given CLECs the right to "line sharing over fiber." As I also explained in my direct testimony on rehearing (page 5), the FCC explicitly excluded the fiber portion of loop transmission facilities from its line sharing obligations.[1] Staff's own witness, Mr. Clausen, agrees that the FCC's Line Sharing Order.does not require line sharing over fiber (Clause direct, pages 5-6).

Q. MS. CARTER STATES COVAD MUST HAVE AN EFFECTIVE AND ECONOMIC MEANS OF ACCESSING THE HIGH FREQUENCY

[1] In the Matters of Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order in CC Docket No. 98-147 and Fourth Report and Order in CC Docket No. 96-98, FCC 99-355, released December 9, 1999 ("Line Sharing Order"), footnote 27 and paragraph 26.

PORTION OF THE LOOP ("HFPL") (DIRECT, PAGE 24). HOW DO YOU RESPOND?

A. Ameritech Illinois provides Covad (and other CLECs) several options for accessing the HFPL in an effective and economic manner. For example, in a DLC environment, Ameritech Illinois allows any CLEC to obtain the unbundled HFPL of the copper subloop. With this, a CLEC may install its own remotely-located stand-alone DSLAM equipment and obtain a subloop access arrangement to provide that line-shared DSL service. Alternatively, for end users capable of being served over the Project Pronto network, the CLEC may use Ameritech Illinois' wholesale Broadband Service provided over that network to offer DSL service to its end users over the same copper subloop used by Ameritech Illinois to provide POTS. As I explained in my direct testimony on rehearing (at page 19), *these copper distribution pairs are never pre-dedicated to the Broadband* Service. Therefore, irrespective of whether a CLEC wants to lease the entire copper distribution subloop or just the HFPL portion of that subloop on an unbundled basis, the Broadband Service never precludes the CLEC from obtaining these unbundled network elements ("UNEs").

Q. CAN ANY FIBER-FED TYPES OF DLC SUPPORT LINE SHARING, AS MS. CARTER HAS SUGGESTED (CARTER DIRECT, PAGES 3-4)?

A. No types of DLC, fiber-fed or otherwise, can support line sharing as defined by the FCC. Ms. Carter's statement that all fiber-fed DLC can support line sharing is incorrect for at least two reasons. First, line sharing as defined by the FCC

involves the provision of DSL services. DLC systems that do not include NGDLCs (i.e., pre-Project Pronto DLC systems), even if fiber-fed, cannot support DSL bandwidths. Thus, line sharing as defined by the FCC cannot physically occur over such older DLC systems. Second, even fiber-fed NGDLCs, which do support DSL bandwidths, do not support line sharing as defined by the FCC. As I explained above and in my direct testimony on rehearing, line sharing as defined by the FCC involves the coexistence of voice and data on the same physical copper pair; there is no such copper pair, and hence no such coexistence of voice and data signals on a copper pair, in the fiber-fed portion of an NGDLC system. Moreover, as I explained in my direct testimony on rehearing (at pages 14 and 17-18), through the wholesale Broadband Service that Ameritech Illinois is providing over its Project Pronto network, Ameritech Illinois is providing CLECs with yet another option to achieve the same functional result as FCC-defined line sharing, which option would not otherwise exist absent Project Pronto.

IV. PROJECT PRONTO ARCHITECTURE

Q. MS. CARTER SUGGESTS THAT "SBC HAS CHOSEN TO CONFIGURE PROJECT PRONTO IN A MANNER THAT LIMITS THE NATURE AND TYPES OF SERVICES THAT CLECS CAN PROVIDE OVER THIS ARCHITECTURE, EVEN THOUGH ALTERNATIVE CONFIGURATIONS ARE AVAILABLE" (CARTER DIRECT, PAGE 4). HOW DO YOU RESPOND?

A. First, I explained the reasons why Ameritech Illinois' deployment of Project Pronto currently supports only Asymmetric Digital Subscriber Line ("ADSL") service in my direct testimony on rehearing (page 12). Second, this rehearing involves an arbitration regarding the HFPL, not DSL services generally. As the Commission is aware, and as the FCC has held,[2] there are many types of DSL service that are not suitable for deployment over the HFPL. Project Pronto does or will support all the variations of DSL that can be provided over the HFPL, which are ADSL, rate adaptive ADSL, and G.lite (see my direct testimony on rehearing, page 37). Third, Ms. Carter concedes that Covad, itself, plans to provide ADSL service in a line sharing environment (Carter Direct, pages 6 and 8). Fourth, as I explained in my direct testimony on rehearing, Ameritech Illinois will conduct collaborative discussions with the CLECs and equipment manufacturers to address future types of DSL service that may be supported over the Project Pronto network (Lube Direct, pages 38-39).

Q. MS. CARTER'S DIRECT TESTIMONY ON REHEARING REFERS TO G.SHDSL (PAGES 13–14) AND SYMMETRIC DSL (PAGE 26). HOW DO THESE TYPES OF DSL SERVICES RELATE TO FCC-DEFINED LINE SHARING?

A. They do not relate to FCC-defined line sharing at all. Rather, as the FCC recognized in the Line Sharing Order, the spectrum used by these types of DSL

[2] Line Sharing Order, paragraph 34.

services occupies the voiceband portion of the copper loop,[3] thereby precluding simultaneous transmission with POTS over the same copper pair. Because both of these types of DSL services are not even capable of FCC-defined line sharing, they are not and cannot be a part of this arbitration rehearing.

Q. IS G.SHDSL CURRENTLY AVAILABLE FOR THE NGDLC SYSTEMS BEING DEPLOYED BY AMERITECH ILLINOIS?

A. No. Attachment JEK-3 to Mr. Keown's direct testimony on rehearing is a letter from Alcatel dated September 7, 2000, which establishes that G.SHDSL is not currently available for Litespan equipment; however, G.SHDSL is shown to be currently under development by Alcatel.

Q. DOES SBC "TURN ON" ONLY CERTAIN FEATURES OF THE PROJECT PRONTO NGDLC SYSTEMS THAT IT IS DEPLOYING, AS MS. CARTER ALLUDES (CARTER DIRECT, PAGE 14)?

A. No. Ameritech Illinois provides all of the capabilities that are available from the manufacturer for the equipment as actually deployed, and that do not compromise the ability or the capacity to serve end users, as well as the quality of end users' services. As I explained in my direct testimony on rehearing (page 37), some features and functions are simply not available in the Litespan equipment at this time, such as the variable bit rate ("VBR") quality of service ("QoS") class referenced in Ms. Carter's direct testimony on rehearing (page 14). In addition,

[3] Id.

Ameritech Illinois is currently reviewing the ability to offer the constant bit rate ("CBR") QoS class with the Broadband Service over the Project Pronto network.

Q. MS. CARTER ASSERTS "SBC'S PLANS TO KEEP THE OVERLAY NETWORK IN PLACE FOR CLECS TO USE DOES NOT ABSOLVE ITSELF OF THE FACT THAT CLECS WILL ALSO NEED ACCESS TO PROVIDE DSL OUT OF THE [PROJECT PRONTO] NGDLC" (CARTER DIRECT, PAGE 8). HOW DO YOU RESPOND?

A. First, Ms. Carter is confusing an overlay network with an existing network. An overlay network is not an existing network, kept in place, as suggested by Ms. Carter. Instead, an overlay network is a new network that overlays the existing network. Hence, Ameritech Illinois calls Project Pronto an overlay network, because it overlays the existing loop network. Second, Ameritech Illinois is not keeping the copper loop network in place to relegate the CLECs to that technology. Instead, as I explained in my direct testimony on rehearing (page 9), Ameritech Illinois is leaving the copper in place for those CLECs who freely choose to use copper (with central office or remote terminal DSLAMs) in lieu of the Project Pronto Broadband Service to provide DSL services. Many data CLECs should be interested in such an arrangement, because CLECs who deploy their own stand-alone DSLAMs and lease stand-alone unbundled copper loops can provide a wider variety of xDSL services than can be provided over the HFPL. Third, as I already have explained, Ameritech Illinois' Broadband Service

provides all CLECs with an additional option for offering DSL services that would not otherwise exist.

Q. MR. CLAUSEN RECOMMENDS THAT THIS COMMISSION SHOULD PREVENT AMERITECH ILLINOIS FROM DESIGNING "AN INFLEXIBLE NETWORK ARCHITECTURE" (CLAUSEN DIRECT, PAGE 3). HOW DO YOU RESPOND?

A. First, it is unclear whether Mr. Clausen is suggesting that Ameritech Illinois has intentionally designed an "inflexible" network. To the extent that he is making such a suggestion, it is inappropriate and factually unsupported. Moreover, Mr. Clausen's suggestion that the Project Pronto network is inflexible is objectively wrong. Any network technology intrinsically has limitations; said another way, specific network investments cannot possibly provide every conceivable network feature or function for every conceivable service offering that any particular carrier might want to offer end users. Second, for the reasons that I explained above, it would be inappropriate for this Commission to mandate the deployment of a particular type of technology or manufacturer of any type of technology – assuming that this Commission could do so in the first place. All network investments involve risk – i.e., whether there will be a demand for services that utilize that investment, and whether the investment will be able to be recovered before it becomes obsolete. It would be completely inappropriate for any other party, whether it be this Commission or another carrier, to be able to dictate the types of new technology investments that Ameritech Illinois chooses to make in

its network. However, again, Ameritech Illinois will endeavor to deploy any feasible features and functions in its Project Pronto architecture, as I explained in my direct testimony (page 38).

Q. SHOULD AMERITECH ILLINOIS CONSULT WITH AND OBTAIN APPROVAL OF ALL CLECS BEFORE IT DESIGNS OR RESTRUCTURES ITS NETWORK, AS SUGGESTED BY MR. CLAUSEN (CLAUSEN DIRECT, PAGE 4)?

A. No. Ameritech Illinois is not obligated to provide a superior network for CLECs. It is Ameritech Illinois' deployed network that must be unbundled for CLECs' use, and then, only when a CLEC has established, and the FCC or a state commission has found, that specific network elements satisfy the "necessary and impair" tests established by the Act.[4] While Ameritech Illinois has committed, as reflected in the FCC's Project Pronto Order,[5] to evaluate new NGDLC features and functions in industry collaborative discussions, this in no way imposes any obligation on Ameritech Illinois to build a superior network.

Q. IN HIS DIRECT TESTIMONY ON REHEARING, MR. CLAUSEN RECOMMENDS THAT THIS COMMISSION REQUIRE AMERITECH

[4] 251(d)(2)(A) and (B).

[5] In the Matter of Ameritech Corp., Transferor, and SBC Communications, Inc., Transferee, for Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95, and 101 of the Commission's Rules. Second Memorandum Report and Order in CC Docket No. 98-141, FCC 00-336 (released September 8, 2000) ("Project Pronto Order"), Appendix A, paragraph 4.

ILLINOIS TO INCLUDE IN ITS INTERCONNECTION AGREEMENTS WITH RHYTHMS AND COVAD LANGUAGE THAT WOULD PERMIT THOSE CARRIERS TO COLLOCATE THEIR OWN LINE CARDS IN PROJECT PRONTO NGDLCS, BUT WOULD PROVIDE FOR A NINE MONTH PERIOD FOR IMPLEMENTING THAT REQUIREMENT (CLAUSE DIRECT, PAGES 8-9). HOW DO RESPOND?

A. Mr. Clausen's recommendation that the Commission impose any such collocation requirement is misguided and inappropriate for all of the reasons that I and Mr. Keown explained in our direct testimony on rehearing (Lube direct, pages 39-48, and Keown direct, pages 5-15). In addition, while Mr. Clausen properly recognizes that such a requirement could not be implemented over a short time frame (assuming that it could be implemented at all), his proposed nine-month implementation interval does not solve any of the problems that his recommendation would create.

Q. CAN A CLEC, AMERITECH ILLINOIS, OR THIS COMMISSION DICTATE OR CONTROL AN EQUIPMENT MANUFACTURER'S SCHEDULE FOR DEVELOPING NEW EQUIPMENT OR FEATURES?

A. No. Ameritech Illinois's NGDLC manufacturers have their own development schedules for new equipment or features. Even though it is appropriate for Ameritech Illinois and CLECs to discuss feature priorities with vendors, neither the carriers nor this Commission can mandate a manufacturer's development

schedule. Only the equipment manufacturer itself could say whether a nine-month development interval, as Mr. Clausen suggests, would be feasible.

Q. MR. CLAUSEN ASSERTS THAT THE LACK OF SPACE IN AN RT OFTEN MAKES COLLOCATION AT THE RT IMPOSSIBLE (CLAUSEN DIRECT, PAGE 8). DO YOU AGREE?

A. No. Mr. Clausen's assertion has no factual basis. As I explained in my direct testimony on rehearing (page 32), as part of its commitments incorporated into the FCC's Project Pronto Order, Ameritech Illinois will provide a CLEC with space for remotely-located equipment, either by enlarging the size of a new RT cabinet (where feasible) or by placing a cabinet structure adjacent to the RT, upon the CLEC's request and under a special construction arrangement.[6]

V. WHOLESALE BROADBAND SERVICE

Q. IS AMERITECH ILLINOIS'S BROADBAND SERVICE OFFERING AND THE BANDWIDTH IT DELIVERS AVAILABLE ONLY TO AADS, AS ASSERTED BY MS. CARTER (CARTER DIRECT, PAGE 7)?

[6] Project Pronto Order, Appendix A, paragraphs 5(b) and 5(c). As these provisions establish, the choice of enlarging a new cabinet or placing an adjacent cabinet structure is within Ameritech Illinois' discretion. This is necessary because of numerous factors that affect the feasibility of either option (e.g., size of new cabinet already planned, availability of space adjacent to the Ameritech Illinois cabinet).

A. No. Ameritech Illinois has made its Project Pronto Broadband Service offering available to all CLECs, including its own data affiliate, AADS.

Q. UNDER THE BROADBAND SERVICE ARRANGEMENTS THAT AMERITECH ILLINOIS IS MAKING AVAILABLE TO ALL CLECS, DOES A CLEC HAVE THE ABILITY TO DIFFERENTIATE ITS RETAIL DSL PRODUCTS FROM ANY OTHER CLEC'S RETAIL DSL PRODUCTS (CLAUSEN DIRECT, PAGE 4)?

A. Yes. Every CLEC will have access to all features and functions, both present and future, actually deployed with Project Pronto NGDLCs available through the Broadband Service at the same time and under the same terms and conditions. Under Ameritech Illinois' Broadband Service offerings, even the current ADSL capabilities of the Project Pronto architecture can be offered by CLECs with different combinations of upstream and downstream speeds. Therefore, DSL product differentiation is already available to all data CLECs on a nondiscriminatory basis through the Broadband Service. Moreover, as I explained in my direct testimony on rehearing (pages 14 and 17-18), Ameritech Illinois' Broadband Service merely provides CLECs with another option for offering DSL services to end users, in addition to all of the pre-existing options for providing such DSL services. Accordingly, data CLECs who want to differentiate their DSL products are also free to do so through these other pre-existing means for providing DSL service, including, but not limited to, leasing the unbundled HFPL

of copper loops or subloops, or leasing unbundled stand-alone copper loops or subloops.

VI. FIBER SHARING IN PROJECT PRONTO

Q. CAN VOICE AND DATA BE COMBINED ON THE SAME FIBERS, AS MS. CARTER ASSERTS (CARTER DIRECT, PAGE 24)?

A. My direct testimony on rehearing (pages 19-25) explains in great detail how this can be done. However, as I explained above and in my direct testimony on rehearing (pages 4-6), this fact is irrelevant, because the FCC explicitly excluded the fiber portion of loop transmission facilities from required line sharing. Also, as explained below, any CLEC attempts to have Ameritech Illinois incur additional, uneconomic costs in its Project Pronto deployment just to force voice and data over the same fibers is totally unjust and inappropriate.

Q. BOTH MS. CARTER (CARTER DIRECT, PAGE 4) AND MR. CLAUSEN (CLAUSEN DIRECT, PAGE 6) CONTEND THAT LINE SHARING OVER THE PROJECT PRONTO ARCHITECTURE IS TECHNICALLY FEASIBLE. DO YOU AGREE?

A. No. As I explained in my direct testimony on rehearing (page 20), separate fibers are used for voice and data signals in the vast preponderance of Ameritech Illinois' Project Pronto deployment. Therefore, in addition to the fact that the

FCC's required line sharing excludes fiber, "fiber sharing" by voice and data signals is generally not even possible in the Project Pronto architecture.

Q. WOULD ADDITIONAL EQUIPMENT HAVE TO BE DEPLOYED INTO THE PROJECT PRONTO ARCHITECTURE TO FORCE THE VOICE AND DATA ONTO THE SAME FIBER?

A. Yes. As I explained in my direct testimony on rehearing (pages 20-23), Ameritech Illinois would either have to deploy a more expensive Alcatel Litespan 2012 NGDLC in all RT sites or purchase and install additional equipment to deploy wavelength division multiplexing ("WDM") with an Alcatel Litespan 2000 NGDLC. However, any CLEC proposal for Ameritech Illinois to increase its deployment costs for additional equipment or technology just to force the voice and data onto the same fiber is totally inappropriate.

Q. CAN THE FUNCTIONAL EQUIVALENT OF FCC-REQUIRED LINE SHARING BE ACHIEVED PURSUANT TO AMERITECH ILLINOIS' BROADBAND SERVICE OFFERING OVER PROJECT PRONTO?

A. Yes. As I explained in my direct testimony on rehearing (at page 25), the same functional result as FCC-required line sharing can be achieved over the Project Pronto architecture via the Broadband Service offering.

Q. MS. CARTER ASSERTS THAT "SBC REPRESENTATIVES CLEARLY INDICATED THAT LINE SHARING OVER THE PROJECT PRONTO

PLATFORM CAN BE DONE" (CARTER DIRECT, PAGE 20). IS THIS CORRECT?

A. No. As I explained above, Ameritech Illinois has always said that CLECs can achieve the same functional result as FCC-required line sharing by using the Broadband Service. However, Ameritech Illinois and its affiliated ILECs have never said that such FCC-defined line sharing occurs, is required to occur, or can occur over the Project Pronto architecture as it actually has been and is being deployed by Ameritech Illinois.

Q. MS. CARTER ALSO STATES "SBC CLAIMS THAT IT DOES NOT PROVIDE ITS SEPARATE AFFILIATE, AADS, ACCESS TO LINE SHARING OVER PROJECT PRONTO" (CARTER DIRECT, PAGE 25). HOW DO YOU RESPOND?

A. Ms. Carter is correct that AADS (and every other CLEC) cannot engage in FCC-defined line sharing over the Project Pronto network. AADS, like any other CLEC, also cannot engage in "fiber sharing" or collocate its own line cards in Project Pronto NGDLCs. However, as I stated above, Ameritech Illinois allows every CLEC, AADS or otherwise, the same ability to achieve the same functional result as FCC-defined line sharing by purchasing the Broadband Services that Ameritech Illinois offers over the Project Pronto network.

VII. PROJECT PRONTO NGDLC LINE CARDS

Q. MR. CLAUSEN SUGGESTS THAT RHYTHMS AND COVAD BE ALLOWED TO OWN AND COLLOCATE THE NGDLC LINE CARDS, ALBEIT IN A MANNER THAT DOES NOT UNDULY REDUCE AMERITECH ILLINOIS' INCENTIVE TO ROLL OUT PROJECT PRONTO (CLAUSEN DIRECT, PAGE 2). HOW DO YOU RESPOND?

A. Any manner of permitting CLECs to own (or specify) and collocate Project Pronto NGDLC line cards would reduce Ameritech Illinois' incentive to further deploy Project Pronto. Mr. Keown's direct testimony on rehearing (pages 5-13) explains in detail the capacity and operational problems that would result from CLEC ownership or specification of the NGDLC line cards. Because of these problems, CLEC ownership or specification of the NGDLC line cards would change the economics of Project Pronto. Therefore, the planned deployment of Project Pronto in Illinois, as it exists today, would have to be reevaluated by Ameritech Illinois.

Q. MR. CLAUSEN PROPOSES NEW COLLABORATIVE WORKSHOPS BETWEEN AMERITECH ILLINOIS AND THE CLECS REGARDING CLECS' SPECIFYING THEIR OWN NGDLC LINE CARDS (CLAUSEN DIRECT, PAGE 4). IS THIS APPROPRIATE?

A. While Ameritech Illinois believes that a collaborative process as established by the FCC in its Project Pronto Order is appropriate and serves a useful purpose, Mr. Clausen's proposal is misguided, as it would not involve a true collaborative process, and the process that it would establish is wholly unnecessary in light of

the collaborative processes in place. First, Mr. Clausen's proposal inappropriately presumes that CLECs should be allowed to specify or own their own line cards. It is not appropriate for the CLECs to either own or specify their own NGDLC line cards for Project Pronto for all of the reasons explained in my direct testimony (pages 36-48) and Mr. Keown's direct testimony on rehearing (pages 5-10). Second, SBC is already hosting collaborative workshops with all interested CLECs and equipment manufacturers in compliance with the FCC's Project Pronto Order[7]. Third, SBC also is already hosting additional collaborative meetings with CLECs at least once a month to address a wide range of issues regarding Project Pronto deployment and the wholesale Broadband Service offerings. The creation of yet another collaborative process would be a duplication of the collaborative efforts already in place.

Q. MR. CLAUSEN RECOMMENDS THAT THIS COMMISSION SHOULD DECLARE THE FIBER PORTION BETWEEN THE NGDLC AND THE OCD AN UNBUNDLED NETWORK ELEMENT TO ENABLE CLECS TO PLACE THEIR LINE CARDS AT THE RT (CLAUSEN DIRECT, PAGE 7). DO YOU AGREE WITH MR. CLAUSEN?

A. No. First, as I explained in my direct testimony on rehearing (pages 30-33), the NGDLC and OCD equipment is packet switching that does not have to be

[7] Project Pronto Order, Appendix A, paragraph 8.

unbundled, in accordance with the FCC's rules.[8] Second, as I also explained in my direct testimony on rehearing (page 33), even assuming that the FCC had not already addressed the issue (which it has), this Commission cannot establish additional unbundling obligations without first determining that the network elements in question satisfy the "necessary and impair" analysis required by the Act.[9] The Commission has not done and cannot do this, given the lack of any evidence of impairment. Third, it is inappropriate to establish new UNEs in the Project Pronto architecture just to enable the NGDLC plug-in line card to suddenly become equipment eligible for collocation.[10] Fourth, it is impossible, as a factual matter, for this Commission to define an unbundled subloop element to which an NGDLC line card would provide access.

Q. CAN YOU ELABORATE ON YOUR FOURTH POINT ABOVE?

A. Yes. According to the FCC's UNE Remand Order, a subloop is required to be unbundled only where that portion of the loop "can be accessed at terminals in the incumbent's outside plant. An accessible terminal is a point on the loop where technicians can access the wire or fiber within the cable without removing a splice case to reach the wire or fiber within."[11] The FCC provides further clarification,

[8] In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, FCC 99-238, released November 5, 1999 ("UNE Remand Order"), paragraph 306; and 47 C.F.R. 51.319(c)(3)(B).

[9] 47 U.S.C. §§ 251(d)(2)(A) and (B).

[10] Section 251(c)(6) of the Act requires incumbent LECs to allow collocation only of equipment necessary to provide access to UNEs or interconnection.

[11] UNE Remand Order, par. 206.

stating that "accessible terminals contain cables and their respective wire pairs that terminate on screw posts. This allows technicians to affix cross connects between binding posts of terminals collocated at the same point."[12] These controlling statements by the FCC are significant, because an NGDLC line card physically accesses the rest of the Project Pronto architecture only at an Amphenol-like connector mounted within the NGDLC shelf equipment. Such a connector is clearly not an "accessible terminal" in Ameritech Illinois' outside plant, as defined by the FCC.

Q. ARE THERE ADDITIONAL LINE CARDS AVAILABLE FOR USE IN THE ALCATEL NGDLCS, OTHER THAN ALCATEL'S ADLU CARD, AS MR. CLAUSEN SUGGESTS (CLAUSEN DIRECT, PAGE 8)?

A. No. As explained in Mr. Keown's direct testimony (page 18), the only line card that Alcatel currently provides for the Litespan NGDLCs that Ameritech Illinois is deploying is the ADLU card.

VIII. UNBUNDLING PROJECT PRONTO

Q. MS. CARTER ASSERTS THAT "SBC'S PRINCIPAL ARGUMENT TO AVOID UNBUNDLING [IS] THAT VOICE AND DATA RIDE ON SEPARATE FIBERS" (CARTER DIRECT, PAGE 4). IS SHE CORRECT?

A. No. Ms. Carter is again wrong. As I explained in my direct testimony on rehearing (pages 25-36), and as Mr. Keown and Ms. Chapman also have

[12] Id., footnote 395.

explained in their testimony, Ameritech Illinois' reasons for not unbundling Project Pronto include technical issues, the fact that the FCC's rules do not require unbundling of packet switching, and the absence of an impairment analysis proving the CLECs' need for such unbundling, as required by the Act.

Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY ON REHEARING?

A. Yes.